

AMENDED IN SENATE AUGUST 19, 2002
AMENDED IN SENATE JUNE 19, 2002
AMENDED IN SENATE APRIL 1, 2002
AMENDED IN SENATE SEPTEMBER 14, 2001
AMENDED IN SENATE JULY 2, 2001
AMENDED IN ASSEMBLY APRIL 2, 2001
AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1139

Introduced by Assembly Member Thomson

February 23, 2001

An act to amend Section 102875 of the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1139, as amended, Thomson. Death certificates: forms.

Existing law requires that each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within 8 calendar days after death and prior to any disposition of the human remains, and requires a funeral director, or person acting in lieu thereof, to prepare a certificate of death and register it with the local registrar.

Existing law requires that a certificate of death contain certain information, including items necessary to establish the fact of the death and personal data.

This bill would require that a certificate of death include information indicating whether the decedent was pregnant at the time of death or within the year prior to the death. By increasing the responsibilities of counties, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102875 of the Health and Safety Code
2 is amended to read:

3 102875. The certificate of death shall be divided into two
4 sections.

5 (a) The first section shall contain those items necessary to
6 establish the fact of the death, including all of the following and
7 those other items as the State Registrar may designate:

8 (1) Personal data concerning decedent including full name,
9 sex, color or race, marital status, name of spouse, date of birth and
10 age at death, birthplace, usual residence, and occupation and
11 industry or business.

12 (2) Date of death, including month, day, and year.

13 (3) Place of death.

14 (4) Full name of father and birthplace of father, and full maiden
15 name of mother and birthplace of mother.

16 (5) Informant.



(6) Disposition of body information including signature and license number of embalmer if body embalmed or name of embalmer if affixed by attorney-in-fact; name of funeral director, or person acting as such; and date and place of interment or removal. Notwithstanding any other provision of law to the contrary, an electronic signature substitute, or some other indicator of authenticity, approved by the State Registrar may be used in lieu of the actual signature of the embalmer.

(7) Certification and signature of attending physician and surgeon or certification and signature of coroner when required to act by law. Notwithstanding any other provision of law to the contrary, the person completing the portion of the certificate setting forth the cause of death may attest to its accuracy by use of an electronic signature substitute, or some other indicator of authenticity, approved by the State Registrar in lieu of a signature.

(8) Date accepted for registration and signature of local registrar. Notwithstanding any other provision of law to the contrary, the local registrar may elect to use an electronic signature substitute, or some other indicator of authenticity, approved by the State Registrar in lieu of a signature.

(b) The second section shall contain those items relating to medical and health data, including all of the following and other items as the State Registrar may designate:

(1) Disease or conditions leading directly to death and antecedent causes.

(2) Operations and major findings thereof.

(3) Accident and injury information.

(4) Information indicating whether the decedent was pregnant at the time of death, or within the year prior to the death, if known, *as determined by observation, autopsy, or review of the medical record*. This paragraph shall not be interpreted to require a health care provider to perform the performance of a pregnancy test on a decedent, *or to require a review of medical records in order to determine pregnancy*.

SEC. 2. The requirements specified by paragraph (4) of subdivision (b) of Section 102875 of the Health and Safety Code, as amended by this act, shall apply only to death certificate forms that are produced on and after January 1, 2003. Death certificate forms that are in existence on January 1, 2003, and that do not comply with paragraph (4) of subdivision (b) of Section 102875

1 of the Health and Safety Code, may be used until that supply of
2 forms is exhausted.

3 SEC. 3. Notwithstanding Section 17610 of the Government
4 Code, if the Commission on State Mandates determines that this
5 act contains costs mandated by the state, reimbursement to local
6 agencies and school districts for those costs shall be made pursuant
7 to Part 7 (commencing with Section 17500) of Division 4 of Title
8 2 of the Government Code. If the statewide cost of the claim for
9 reimbursement does not exceed one million dollars (\$1,000,000),
10 reimbursement shall be made from the State Mandates Claims
11 Fund.

